

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

JEFFERY J. LOUT,

Plaintiff,

vs.

ROXANNE TUSS, et al.,

Defendants.

CV 15-00055-H-DLC-JTJ

ORDER

Plaintiff Jeffery Lout, a prisoner proceeding in forma pauperis and without counsel, has filed a Motion to Waive Local Rule 7.1(c). (Doc. 66.) This is Mr. Lout's second request to waive Local Rule 7.1. *See* Doc. 34. On May 27, 2016, the Court specifically denied this request and indicated that "[t]he parties must comply with Local Rule 7.1 prior to filing any motion or the motion will be subject to summary denial." (Doc. 40 at 10.)

Despite this ruling Mr. Lout again requests that the Court waive the requirement that when filing a motion, "[t]he text of the motion must state that other parties have been contacted and state whether any party objects to the motion." L.R. 7.1(c). Mr. Lout contends that because he is incarcerated he does not have access to a telephone and counsel for Defendants refuses to answer his correspondence. Whether or not counsel respond to Mr. Lout's correspondence,

does not excuse this requirement. Mr. Lout is still required to write counsel and ask whether they object to any motion he intends to file. If counsel does not respond within a week of mailing the letter, Mr. Lout may file his motion. The Court will not order the prison to allow Mr. Lout to use the phone for this purpose and it will not waive this requirement.

Should Mr. Lout continue to file motions on issues which have already been addressed by the Court without complying with Local Rule 7.3 regarding motions for reconsideration, the Court will consider sanctions.

Accordingly, IT IS HEREBY ORDERED that Mr. Lout's Motion to Waive Local Rule 7.1(c) (Doc. 66) is **DENIED**.

DATED this 5th day of October 2016.

/s/ John Johnston
John Johnston
United States Magistrate Judge